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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.         | CONFIRMATION NO. |
|--|-------------|----------------------|-----------------------------|------------------|
| 10/006,976   | 12/04/2001  | Antonio Abbondanzio  | RPS920010137US1             | 3593             |
| 45802  | 7590        | 01/26/2005           |                             |                  |
| LALLY & LALLY, L.L.P.<br>P. O. BOX 684749<br>AUSTIN, TX 78768-4749 |             |                      | EXAMINER<br>PATEL, NIMESH G |                  |
|  |             |                      | ART UNIT<br>2112            | PAPER NUMBER     |
| DATE MAILED: 01/26/2005  |             |                      |                             |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/006,976             | ABBONDANZIO ET AL.  |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Nimesh G Patel         | 2112                |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 October 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2 is/are allowed.
- 6) ☒ Claim(s) 3-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)          |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. <u>20041215</u> .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____.  | 6) <input type="checkbox"/> Other: _____.                                   |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 3-8, 10-17, and 20-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 3 recites the limitation "a local service processor" in line 2 of the claim; but "a local service processor" has already been claimed in claim 2. Appropriate correction is required.
4. Claim 5 recites the limitation "a local server processor" in line 2 of the claim. Examiner assumes it should be written "a local service processor." If this assumption is correct, then "a local service processor" has already been claimed in claim 2. Appropriate correction is required.
5. Claim 5 recites the limitation "the tamper latch" in lines 3 and 4 of the claim. There is insufficient antecedent basis for this limitation in the claim.
6. Claim 6 recites the limitation "the tamper latch" in line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim.
7. Claim 7 recites the limitation "the tamper latch" in line 1 of the claim. There is insufficient antecedent basis for this limitation in the claim.
8. Claim 10 recites the limitation "a slot" in line 3 of the claim; but "a slot" has already been claimed in claim 9. Appropriate correction is required.
9. Claim 11 recites the limitation "means for communicating externally" in line 1 of the claim. There is insufficient antecedent basis for this limitation in the claim.
10. Claim 13 recites the limitation "the tamper latch" in line 3 of the claim. There is insufficient antecedent basis for this limitation in the claim.

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11. Claim 14 recites the limitation "the tamper latch" in line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim.
12. Claim 15 recites the limitation "the tamper latch" in line 1 of the claim. There is insufficient antecedent basis for this limitation in the claim.
13. Claim 20 recites the limitation "the code means for determining the state of its tamper latch" in line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim.
14. Claim 20 recites the limitation "the blade" in line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim.
15. Claim 21 recites the limitation "the server blade" in line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim.

#### ***Claim Objections***

16. Claim 13 is objected to because of the following informalities: The limitation "a local server processor" should be written as "a local service processor." Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 103***

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

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the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

19. Claims 9, 11-13, 15-20, and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over McGraw, in view of the Mitchell('119).

20. Regarding claim 9, McGraw discloses a data processing network, comprising: a management module comprising a management module service processor and a memory(Figure 1, 50; It is inherent the console server has a processor and memory); and a plurality of server blades connected to a common network, each blade comprising a system memory connected to at least one main processor(Paragraph 55), and means for determining a geographical address of the slot occupied by the blade and for communicating the determined address to the management module(Figure 2; Paragraphs 147-149).

McGraw does not specifically disclose a tamper mechanism configured to change state responsive to insertion of the corresponding blade into a slot in a rack enclosure. However, Mitchell discloses a tamper mechanism configured to change state responsive to insertion of the corresponding blade into a slot in a rack enclosure(Column 7, Lines 17-25). Therefore, it would have been obvious to one of ordinary skill in the art to include the tamper latch of Mitchell in the system of McGraw, since this would increase reliability of a system by providing an insertion count to a management entity to monitor the degradation of connectors of the data processing system(Column 2, Lines 61-66).

21. Regarding claim 11, McGraw discloses a network, wherein the means for communicating externally comprise a communication bus connecting a local service processor of each server blade to the management module(Figure 2, 131).

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22. Regarding claim 12, McGraw discloses a network, wherein the communication bus comprises an RS-485 communication bus to which each local service processor is connected(Figure 7, RS485).

23. Regarding claim 13, McGraw and Mitchell disclose a network, wherein, responsive to a power-on event, a local server processor of each server blade is configured to determine the blade's geographical address, the state of its tamper latch(Mitchell, Column 3, Lines 8-20), and to communicate the geographical address and tamper latch information to the management module(McGraw, Paragraphs 147-149).

24. Regarding claim 15, McGraw and Mitchell disclose a network, wherein, responsive to determining that the tamper latch is in an altered state, the service processor is configured to issue an external alert to the management identifying the system by its geographical address(Mitchell, Column 8, Lines 55-59; McGraw, Paragraphs 147-149).

25. Regarding claim 16, McGraw discloses a network, wherein the external alert further identifies the system by system information selected from the list including an identifier of a network interface card of the system, a UUID, and a main processor serial number(Paragraph 137).

26. Regarding claim 17, McGraw discloses a network, wherein the management module is configured to communicate the system information to a system deployment module(Fig 1, 72).

27. Regarding claim 18, McGraw discloses a computer program product comprising a set of computer executable instructions for monitoring system information in a data processing network, the instructions being stored on a computer readable medium, comprising: computer code means for determining the geographical address of the data processing system; computer code means for communicating the tamper latch and geographical address information to a management module connected to the data processing system(Paragraphs 147-149, 155).

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McGraw does not specifically disclose computer code means for determining the impedance of a tamper latch of a data processing system. However, Mitchell discloses computer code means for determining the impedance of a tamper latch of a data processing system(Column 7, Lines 17-25). Therefore, it would have been obvious to one of ordinary skill in the art to include the tamper latch of Mitchell in the system of McGraw, since this would increase reliability of a system by providing an insertion count to a management entity to monitor the degradation of connectors of the data processing system(Column 2, Lines 61-66).

28. Regarding claim 19, McGraw discloses a computer program product, wherein the code means for determining the geographical address include code means for a reading a set of physical identification pins of the data processing system, wherein the state of the pins is indicative of the geographical address of a slot in which the system is inserted(Paragraphs 147-149).

29. Regarding claim 20, McGraw and Mitchell disclose a computer program product, wherein the code means for determining the blade's geographical address, the state of its tamper latch(Mitchell, Column 3, Lines 8-20), and communicating the geographical address and tamper latch information to the management module is responsive to a power-on event(McGraw, Paragraphs 147-149).

30. Regarding claim 22, McGraw and Mitchell disclose a computer program product, further comprising code means for issuing an external alert identifying the system by its geographical address responsive to determining that the impedance of the tamper latch is in an altered state(Mitchell, Column 8, Lines 55-59; McGraw, Paragraphs 147-149).

31. Regarding claim 23, McGraw discloses a computer program product, wherein the external alert further identifies the system by system information selected from the list including

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an identifier of a network interface card of the system, a UUID, and a main processor serial number(Paragraph 137).

32. Claims 14 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over McGraw, in view of Mitchell, and in further view of the admitted prior art.

33. Regarding claim 14, McGraw and Mitchell do not specifically disclose a network, wherein each server blade is configured, responsive to determining that its tamper latch is in an altered state, to configure a functional boot image on the server blade. However, the admitted prior art discloses a system wherein, a functional boot image is configured on the system(Page 2, Lines 9-13). Therefore, it would have been obvious to configure a functional boot image on the system, as disclosed by the admitted prior art, in the system of McGraw, since a new blade generally does not have an operating system nor persistent data and a boot image would be needed to make the blade functional.

34. Regarding claim 21, McGraw and Mitchell do not specifically disclose a computer program, further comprising code means for configuring a functional boot image on the server blade responsive to determining that the tamper latch is in an altered state. However, the admitted prior art discloses a system wherein, a functional boot image is configured on the system(Page 2, Lines 9-13). Therefore, it would have been obvious to configure a functional boot image on the system, as disclosed by the admitted prior art, in the system of McGraw, since a new blade generally does not have an operating system nor persistent data and a boot image would be needed to make the blade functional.

### ***Response to Arguments***

35. Applicant's arguments with respect to claims 9 and 18 have been considered but are moot in view of the new ground(s) of rejection.



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***Allowable Subject Matter***

36. Claim 2 is allowed.

37. Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

38. The following is an examiner's statement of reasons for allowance: Regarding claim 2 and claim 10, the limitation "wherein the means for determining the geographical address include a local service processor connected to a set of physical identification connector pins indicative of the geographical address of a slot in which the system is inserted" is not specifically taught by the prior art. The prior art's system determines an address but does not specifically disclose a set of dedicated wires connected between the service processor and the dedicated connector pins that indicate the slot to the service processor.

39. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nimesh G Patel whose telephone number is 571-272-3640. The examiner can normally be reached on M-F, 8:30-6:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark H Rinehart can be reached on 571-272-3632. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nimesh G Patel  
Examiner  
Art Unit 2112

NP NP  
January 19, 2005

  
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